



Appeal Decision

Site visit made on 19 September 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2022

Appeal Ref: APP/Z0116/W/22/3299607

179 Charlton Road, St George, Bristol BS15 1LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sam Padbury, Kasa Real Estate Ltd, against the decision of Bristol City Council.
 - The application Ref 21/04993/F, dated 14 September 2021, was refused by notice dated 2 December 2021.
 - The development proposed is the construction of a 2-bed dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposal on the living conditions of the occupants of the host property, No 179 Charlton Road (No 179), with respect to the provision of internal and outdoor space;
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - whether the proposal provides adequate living conditions for future occupiers, with respect to the provision of internal and outdoor space.

Reasons

Living Conditions for Occupiers of No 179.

3. The Council take issue with the internal layout of the host dwelling, No 179 and reference the THS. This document makes it clear that *'this standard deals with internal space within new dwellings'*. As such, they are not relevant to the existing host dwelling.
4. The garden space of the host dwelling, No 179, would be reduced. Even with the removal of the side/rear extension, and whether the property remains a House in Multiple Occupancy or reverts to a four bed dwellinghouse, as is shown on the proposed plans, given the existing addition of a second floor, it would remain a substantial property. The appellant contends that either way, the garden space would be sufficient. Regardless, and despite being outside the red line boundary and despite the lack of formal adopted policy on minimum garden sizes, CS Policies BCS18 and BCS21, in addition to DM Policy DM30,

remain relevant. These policies, among other things, seek to safeguard the amenity of existing development and specifically, leave sufficient usable external private space for the occupiers.

5. The limited size of this rear garden area would be unlikely to be large enough to accommodate much more than a patio area with a small area for seating upon it. Unlike the smaller proposed dwelling, its restricted size would not provide adequate outdoor amenity space to accommodate sitting out, hanging out washing, storage and general recreational space for this sizable property and its occupants. It would be cramped and would be unlikely to be a pleasant area to spend time in. Whilst there are other properties nearby with similarly modest rear gardens, the scale of these properties is not clear nor their number of occupants. As such they are not directly comparable.
6. The appellant references the 'Urban Living Supplementary Planning Document' (2018) but has not provided details of this and such, I cannot be clear whether the guidance on the size of garden space quoted, a minimum of *'5sqm of private outdoor space for a 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'*, is relevant for 4 bed housing in this location.
7. Whilst the appellant points to nearby parks, this does not represent private open space that would meet the immediate needs of the occupants such as drying clothes for example and does not justify the insufficient garden area that would be available to No 179. The appellant refers to a planning application¹ but has not provided details and again, as such I cannot determine if it is comparable to the appeal proposal. There is also no reason why, in this suburban location, substandard garden space should be accepted for a dwelling of this size.
8. For the above reasons, I conclude that acceptable living conditions to the occupiers of No 179 would not be provided. The proposal would therefore conflict with the general protection of amenity requirements of CS Policies BCS18 and BCS21 and DM Policy DM30.
9. The Council reference CS Policy BCS15 in its reason for refusal, however, this policy does not refer to private outdoor space requirements. It also references section 17 of the Framework; however, this relates to minerals.

Character and Appearance

10. The appeal site is prominently located on the corner of Charlton Road and Claymore Crescent, and currently comprises the side and rear garden area of an end of terrace property. Claymore Crescent is a short road, with a spacious, open character, mostly due to the set back of the dwellings on its southern side, which face onto Clarence Road and Charlton Road. A number of rear extensions and dormers are visible on the rear elevations of these properties. Given the angle of the roads, the properties sit within plots of varying sizes, with a consequential variation in garden sizes.
11. The proposed dwelling would incorporate a scale and detailing to match the terrace, and result in a well-proportioned and balanced form that would sit comfortably with the existing character and appearance of the terrace when viewed from Charlton Road.

¹ Application reference 19/05232/F

12. Whilst No 179 has an existing rear/side extension, the proposal would extend built form at two storey level closer to the side boundary, which would be most evident from Claymore Crescent. However, there would remain a separation distance and visual gap to the closest property on the opposite side of the road sufficient to maintain the existing spacious character. Moreover, this visual gap would be similar to that between the two properties either side of the other end of the crescent, adjacent to Kiln Close. The property would not appear incongruously sited nor sit forward of any obvious building line.
13. The sub-division of the plot would result in reduced and modest garden sizes. However, as there are a range of garden sizes in the area, I do not find that they would be out of keeping with the surrounding context. The remaining existing additions to the host property, No 179, would not impact the effect of the proposed new dwelling on the street scene.
14. I therefore conclude that the proposed property would maintain the character and appearance of the surrounding area. The proposal would therefore comply with Policy BCS21 of the Bristol City Council Core Strategy (2011) (CS) and Policies DM21, DM26, DM27, DM29 and DM30 of the Bristol Local Plan: Site Allocations and Development Management Policies Local Plan 2014 (DM), which set out that development, including extensions to existing buildings, should be appropriate to the immediate context, be of a high quality, and specifically that development of garden land should not result in harm to the character and appearance of an area. These policies are in broad conformity with the National Planning Policy Framework (the Framework) which requires, amongst other matters for developments to add to the overall quality of the area and be sympathetic to local character.

Living Conditions for Future Occupiers

15. CS Policies BCS18 and BCS21, among other things, expect proposals to meet appropriate space standards, provide a healthy environment and sufficient space for everyday activities. The submitted planning statement describes the proposed dwelling as a 2 bed 3 person unit and the proposed plans are annotated as such. The nationally described Technical Housing Standards (THS) (2015) contain minimum internal floor space requirements and require a minimum of 70sqm for a 2 bed, 3 person, 2 storey dwelling.
16. The plans show that the proposed dwelling would have an internal floorspace of 72sqm, meeting this minimum requirement. The smaller bedroom, annotated as being 9.741sqm in size, would meet the requirement for a single person bedroom. As such the accommodation would meet minimum internal standards and provide adequate living conditions for future occupiers in this respect.
17. The size and usable shape of the proposed garden at the rear, in addition to further usable space at the side, would accommodate domestic items and would not appear overly cramped. The proposed development would therefore result in a garden, that, whilst modest, would provide sufficient space to serve the proposed 2 bed, 3 person unit.
18. I therefore find that there is no conflict with the high quality development and space standard requirements of CS Policies BCS18 and BCS21 and DM Policy DM29.

Planning Balance and Conclusion

19. The Council accept that the latest Housing Delivery Test figures show that it has not delivered the required housing numbers over the past 3 years, and the shortfall is significant. Therefore, having regard to Framework footnote 8, the presumption in favour of sustainable development in Framework paragraph 11 applies.
20. The proposal would result in an additional unit of accommodation which would contribute to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes. As a 2 bed dwelling, the proposal, would contribute to the housing mix and supply in a location with good access to services and facilities. I also acknowledge that the property has been designed to cope with and mitigate against the effects of climate change.
21. I have taken full account of all the matters advanced in support of the proposal. However, due to the nature and scale of the appeal proposal, the benefits would be relatively limited. The failure to ensure acceptable living conditions for the occupants No 179 is a matter to which I attribute great importance. I therefore consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Hence, the proposal would not comprise sustainable development.
22. Whilst I have found the proposal to be acceptable in terms of character and appearance and with regards to living conditions for future occupiers, this does not overcome the conflict with the development plan in relation to matters of living conditions for No 179. For the reasons given above I find that the proposal would conflict with the development plan when considered as a whole. None of the other considerations, which include the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan. The appeal is therefore dismissed.

B Phillips

INSPECTOR